

US Environmental Protection Agency  
Region 7

Kansas Department of Health and Environment  
Drinking Water Program  
Annual Performance Evaluation

Final Report

May 7-11, 2007 On-Site Visit

## **Table of Contents**

Introduction  
Summary of Findings

### **Part I – PWSS Program Review**

- A) Staffing
- B) Funding
- C) Primacy
- D) Workplan Status
- E) PWS Inventory
- F) Stage 1 Disinfectants and Disinfection Byproducts Rule
- G) Long Term 1 Enhanced Surface Water Treatment Rule
- H) Lead and Copper
- I) Total Coliform Rule
- J) Sanitary Survey
- K) Nitrates
- L) Operator Certification
- M) Capacity Development
- N) Radionuclides
- O) Arsenic
- P) Public Notification Rule
- Q) CCR, Nitrate monitoring, Phase II/V

### **Part II – Drinking Water Enforcement Review**

- A) Nitrates
- B) Stage 1 Disinfectants and Disinfection Byproducts Rule
- C) Long Term 1 Enhanced Surface Water Treatment Rule
- D) Radionuclides
- E) Total Coliform Rule
- F) Public Notification
- G) Enforcement Follow-up
- H) Enforcement Recommendations

### **Appendixes**

- 1) PWSS Program File Review Detail
- 2) Enforcement File Review Detail

## **Introduction**

An announcement of the Annual Performance Evaluation (APE) was mailed to the Kansas Department of Health and Environment (KDHE) on April 20, 2007. As outlined in that letter, the on-site evaluation of the Kansas drinking water program was conducted on May 7-11, 2007 at the KDHE offices in Topeka, Kansas.

Neftali Hernandez-Santiago with the Drinking Water Management Branch and Rochelle Gibson with the Water Enforcement Branch conducted the evaluation for the U.S. Environmental Protection Agency (EPA). Dave Waldo, Darrell Plummer and their staff from KDHE, participated in or assisted EPA in conducting the evaluation.

The exit conference was held at 1:00 p.m. on May 11, 2007, at the KDHE's office. Dave Waldo and Darrel Plummer from KDHE, and Mary T. Mindrup, Rochelle Gibson, and Neftali Hernandez-Santiago from EPA were present at the exit conference.

## **Summary of Findings**

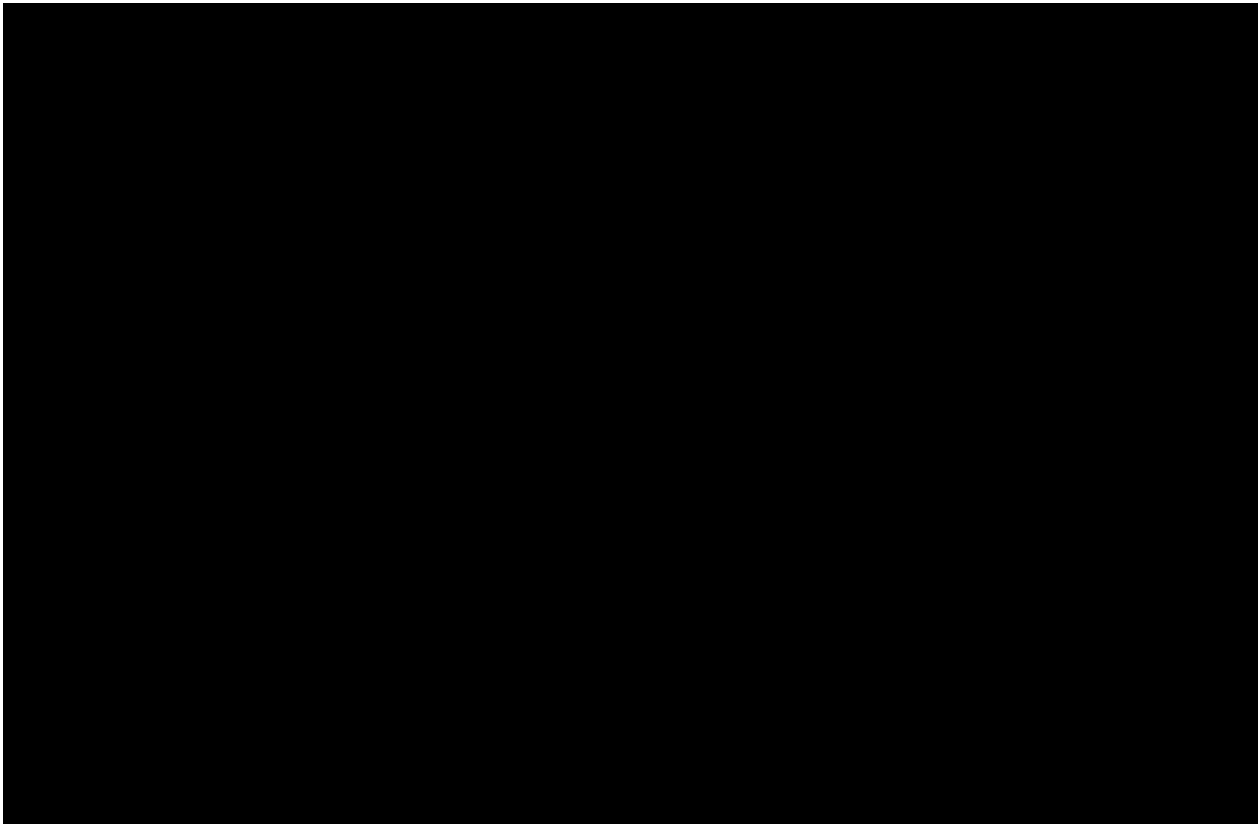
In general, the review indicated that KDHE maintains good documentation in the files, including such items as emails and memos about meetings or discussions with water systems, and has performed well implementing the rules, maintaining the data base, notifying systems of violations and tracking compliance status. Additionally, KDHE performs proactive activities such as sending monitoring reminder letters, which helps water systems avoid monitoring violations.

Below is a list of the highlights/issues of this draft report:

1. The EPA acknowledges that KDHE will be requesting an extension of primacy for the new drinking water regulations; however, EPA will need additional assistance to implement the new rules on small communities in Kansas.
2. Although the State has shown progress addressing violations of the Stage 1 Disinfectants and Disinfection Byproducts Rule (Stage 1 DBPR), and the Long Term 1 Enhanced Surface Water Treatment Rule (LT1), EPA would like to see all systems returned to compliance in a timely manner.
3. One of the concerns on your sanitary survey program is that the severity of findings assigned during a sanitary survey seems to be determined by the judgment of the inspector and does not always follow the Sanitary Survey Site Observations submitted by Kansas in your primacy application. We advised KDHE to use the approved protocol.
4. The EPA recommends that the type and timeframe for public notice be monitored more closely to ensure that it complies with the Public Notification Rule and that written procedures be put into place.
5. The EPA recommends that the Operator Certification Program include information on any review (partial or total) conducted of the program and that

any recommendations made to improve the program be placed in the annual report. At this point, EPA believes that the internal/external reviews of the operator certification program are adequate.

6. The EPA recommends evaluating the impact of new rules on the operator certification program in order to evaluate training needs for operators.
7. The EPA asks KDHE to provide technical assistance to water systems looking for solutions to radionuclides and arsenic MCL issues, and take timely and appropriate enforcement if systems become a significant non-complier.
8. Due to a reorganization of the KDHE laboratory and in order to balance the work load of the lead and copper analysis, some systems in Kansas will be conducting lead and copper analysis past the triennial reduced monitoring period allowed under the rule. This means that some systems will be collecting samples one, two, or three years after they are required. The EPA recommends that for any future reorganization of the scheduling of samples, interim measures are put in place to avoid any system sampling past the monitoring timeframes allowed by the rules.



14. It may be advantageous for Kansas water systems to develop and implement a wellhead protection program, if they have not already done so. A wellhead protection program may help deter elevated nitrate levels thus allowing water systems to remain in compliance with the nitrate MCL. A wellhead protection

program may not be effective in returning a system to compliance after the nitrate MCL has been exceeded.

## **Part I – PWSS Program Review**

### **A) Staffing**

David Waldo provided an updated organizational chart for the central office. The KDHE drinking water program has approximately 19.5 full time employees (FTEs). The program has a vacant position for an engineer and is currently advertising the position. The district offices have 9 to 10 FTEs total. These personnel are in charge of the field activities such as the sanitary surveys.

The KDHE is evaluating succession planning for employees who are eligible to retire shortly, and would like to double encumber the positions to transfer knowledge and provide training to new hires.

The KDHE believes current staff can manage the work load of existing rules (through arsenic), but will re-evaluate work load of new drinking water regulations such as the Stage 2 Disinfectants and Disinfection Byproducts Rule (Stage 2 DBPR), the Long Term 2 Enhanced Surface Water Treatment Rule (LT2), and later rules once they are adopted.

The EPA believes that KDHE staff is doing a very good job keeping abreast of rules and are aware of issues at the system level.

### **B) Funding**

The federal money for the drinking water program has been steady during the last couple of years. Due to inflation, federal allocations are paying for two less FTEs compared to previous years. (KDHE comment 12/7/2007: Actually, funding has *dropped* 4.2% from FY04 to FY07 in addition to inflation erosion.)

The KDHE expressed some concern about the money expended to maintain the SDWIS database. Approximately \$200,000 was expended in 2006 on an update to the system and the estimated cost of maintenance will be about \$100,000 a year. They also mentioned that the system will have to be updated once more in order to incorporate new regulations. Because of the above considerations, KDHE will be using State Revolving Fund money to cover the maintenance cost for the system.

### **C) Primacy**

KDHE is planning to request a one year extension for the LT2 and Stage 2 DBPR rules. These extension requests are due on January 4, 2008. KDHE is planning to submit a primacy application for LT2, Stage 2, and the Ground Water Rule (GWR) by November 8, 2008.

The EPA requested additional assistance to implement the new rules on small communities. Currently, KDHE is providing information to small systems by checking their water monitoring results and advising of any waiver or certification for which they may qualify.

**D) Workplan**

KDHE is on target to meet most, if not all, of the commitments stipulated in the work plan.

**E) PWS Inventory**

The populations of drinking water systems are updated every year using information from the Secretary of State's Office. If a system requests a change in population served, KDHE requires a certification from the system before any change is made in the Safe Drinking Water Information System (SDWIS). Also, KDHE has other tools to update the number of connections and administrative contacts, etc. The KDHE is maintaining and updating the inventory as required.

**F) Stage 1 Disinfectants and Disinfection Byproducts Rule (Stage 1 DBPR)**

Kansas had 43 systems with Stage 1 DBPR maximum contaminant level (MCL) violations at the beginning of 2006. As of December 2006, 33 systems were in violation. All 30 systems, except Burlington, (which has built a new treatment plant), have some type of enforcement action in place. In addition, at the beginning of 2006, Kansas had 39 systems with treatment technique violations for Total Organic Carbon (TOC) removal, and 24 systems by the end of 2006. Although the KDHE has progressed addressing Stage 1 DBPR violations, EPA would like to see all systems returned to compliance in a timely manner.

Chlorine residuals are reported from the laboratory to the Topeka office in an electronic format. The KDHE then uses this information to determine compliance.

**G) Long Term 1 Enhanced Surface Water Treatment Rule (LT1)**

At the time of the review, Kansas had three systems with LT1 violations for lack of turbidity meters. These systems are under an administrative order from KDHE. This issue was identified by a previous evaluation and EPA would like to see these systems achieve compliance.

Under the LT1, KDHE reviews the compliance reports for the surface water systems and makes the compliance determinations. Based on the information reviewed, it seems that the systems are achieving the turbidity and CT requirements.

Under the LT1 implementation, EPA recommends developing written procedures on how to process the reports submitted by the systems.

**H) Lead and Copper Rule**

In 2006, KDHE had 276 systems required to monitor, and 17 had monitoring violations (these systems are rescheduled to sample in 2007). From the systems that completed the monitoring, 14 systems exceeded the action level (AL) (two systems for lead and 12 systems for copper). The City of Wichita was one of the systems that exceeded the lead action level and it is conducting the required public education.

Kansas has 76 systems in some level of corrosion control since the rule was promulgated. Eight of those systems have not achieved optimal corrosion control for copper.

In order to balance the work load of the lead and copper analysis, some systems in Kansas conducted lead and copper analysis past the triennial reduced monitoring period allowed under the rule. This means that some systems collected samples one, two, or three years after they are required. The EPA recommends that for any future reorganization of the scheduling of samples, interim measures are put in place to avoid any system sampling past the monitoring timeframes allowed by the rules.

#### **I) Total Coliform Rule (TCR)**

Unfortunately, EPA could not conduct the review for TCR due to weather conditions that prevented some KDHE personnel's presence at work.

Please provide an explanation of how the TCR results are handled including the need to schedule repeat samples, monitoring violations, MCL violations and enforcement actions. See page 25.

#### **J) Sanitary Surveys**

The KDHE tracks the frequency of sanitary surveys using SDWIS. The KDHE uses the dates of the previous sanitary surveys to generate a list of systems that need a sanitary survey. The list is sent to the field offices so they can coordinate the site visits. The tracking system is working very well.

Since the sanitary survey dates are reported in SDWIS, KDHE is already complying with a new reporting requirement, which will be effective on December 31, 2007. The EPA did not find any deficiencies for sanitary survey. However, EPA recommends reporting in SDWIS any significant deficiencies discovered during a sanitary survey.

The EPA reviewed 8 sanitary survey reports. A concern is that the severity of findings seems to be determined by the judgment of the inspector and does not always follow the Sanitary Survey Site Observations submitted by KDHE in the primacy application. For example, some items considered significant deficiencies in the Sanitary Survey Site Observations were considered recommendations. The problem is the lack of enforceability for correction of recommended items that were indeed significant deficiencies. The EPA recommends following the Sanitary Survey Site Observations as approved. If the document changes, it must be re-submitted to EPA for approval.

#### **K) Nitrates**

Kansas has 15 systems with nitrates violation, of which four are under a Nitrate Strategy consent order.

Of the files reviewed, the monitoring results were in the file and the frequencies of samples were correct.

The EPA recommends that Kansas water systems develop and implement a wellhead protection program, if they have not already done so. A wellhead protection program may help deter elevated nitrate levels thus allowing water systems to remain in compliance with the nitrate MCL.

#### **L) Operator Certification**

The operator certification program has been working well with personnel adequately managing the work load. The program is currently working with a contractor to conduct a job analysis for the drinking water operators. Based on the job analysis results, adjustments will be made to the program. The program is also working to review the exam questions for the operator exam. The program is also creating a CD similar to the Operator Basis CD from EPA, but customized for Kansas.

One of the most significant changes to the program will be a change on the classification of ground water systems. The plan is to decrease the number of categories from four to two. The reason is that many of the level III and IV groundwater system operators are receiving training in areas that are applicable only to surface water systems.

The program is concerned about the interpretation of the internal/external review requirements under the Operator Certification Guidelines. They believe that the requirements are unique for the operator certification program and not to the drinking water program as a whole. The EPA believes that the Kansas operator certification program is complying with the review requirements, but future guidance from EPA Headquarters (HQ) will help clarify what constitutes an internal/ external review of the program.

The EPA would like the program to report recommendations from reviews conducted within the annual report. The EPA also recommends evaluating the impact of new rules in order to evaluate training needs for operators.

#### **M) Capacity Development**

The capacity development program has been focused on the implementation of KanCap or the board member training and is working to start with the implementation of the Rate Check-up/CapFinance programs to assist small systems in revising their rates and to create budgets plans and strategies for their system.

#### **N) Radionuclides**

The KDHE is expecting to have more radionuclides MCL violations than what was originally anticipated (approximately 20). Initial monitoring ends on December 31, 2007. Currently, Kansas had approximately nine systems exceeding the MCL for one or more radionuclides.

The EPA recommends KDHE provide assistance to these systems in finding solutions to their radionuclide issues, and enforcement, if the systems become significant non-compliers.

**O) Arsenic**

Initial monitoring ends on December 31, 2007 for ground water systems. Kansas expects to have approximately 20 systems exceed the arsenic MCL. The EPA recommends KDHE provide assistance to these systems in finding solutions to their arsenic issues, and enforcement, if the systems become significant non-compliers.

**P) Public Notification Rule**

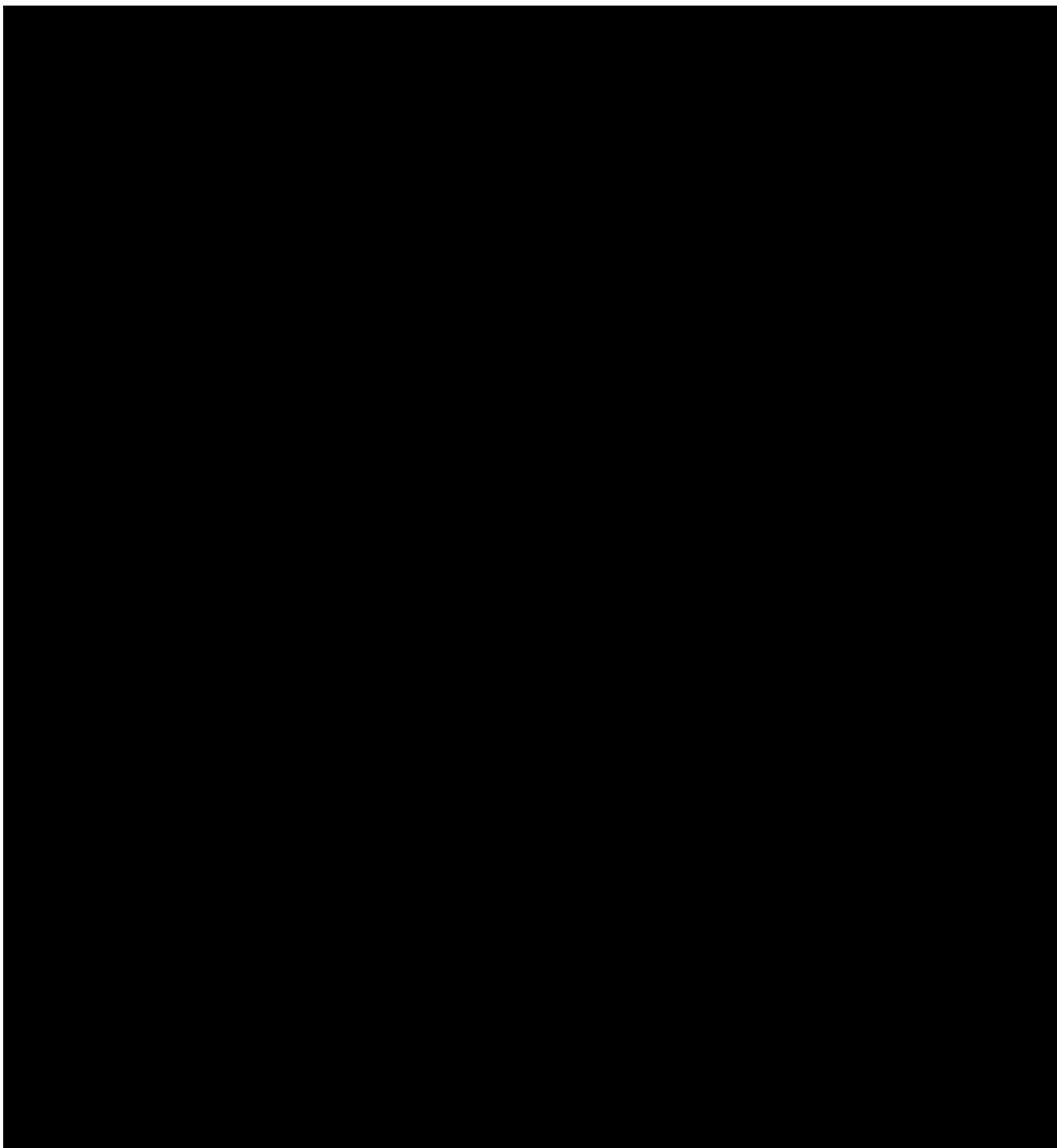
Under the Public Notice Rule for Tier 1 and Tier 2 public notices, it was not clear how KDHE is measuring the timeframes of notification. For instance, it was not clear when the clock started for the 24-hour or 30-day public notice requirement. (KDHE comment 12/7/2007: KDHE usually begins the clock when it receives the results.)

The EPA recommends written procedures that specify when the timeframe starts in order to determine compliance with the timeframes established by the rule.

**Q) Consumer Confidence Report Rule (CCR), Nitrate monitoring and Phase II / V monitoring**

The EPA believes the CCR, Nitrate monitoring and Phase II / V monitoring are implemented satisfactorily.

## Part II – Drinking Water Enforcement Review



Of the 15 files reviewed, the KDHE had taken a formal enforcement action with five of the water systems ( [REDACTED], Pretty Prairie, [REDACTED]). [REDACTED]

[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]

**A) Nitrates**

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Information provided by KDHE indicates 17 water systems had entered into a Nitrate Consent Order between 1996 and 2004. Nitrate Consent Orders for four water systems remain in place, one Order has expired while the system has not achieved compliance (Pretty Prairie), and 12 Orders had been rescinded (indicating that the system had nitrate results less than the MCL in four consecutive quarters). Although the Nitrate Consent Order with Pretty Prairie expired in 2003, KDHE continued to enter the 1996 Order in SDWIS as an enforcement action taken to address those violations occurring after the 2003 expiration.

Based on information provided by KDHE during the review, 15 community water systems had nitrate MCL violations in 2006. Populations ranged from 65 to 1,984 people. Two of these systems are consecutive water systems. Of these 15 water systems, three systems ([REDACTED] and Pretty Prairie) had nitrate MCL violations in two consecutive quarters, one system ([REDACTED]) had MCL violations in three consecutive quarters, and two systems ([REDACTED] and [REDACTED]) had MCL violations in four consecutive quarters. All of these nitrate results were less than 20 mg/L. Nine of the 15 community water systems had MCL violations in 2005 ([REDACTED],

[REDACTED], Pretty Prairie, [REDACTED]  
[REDACTED]).

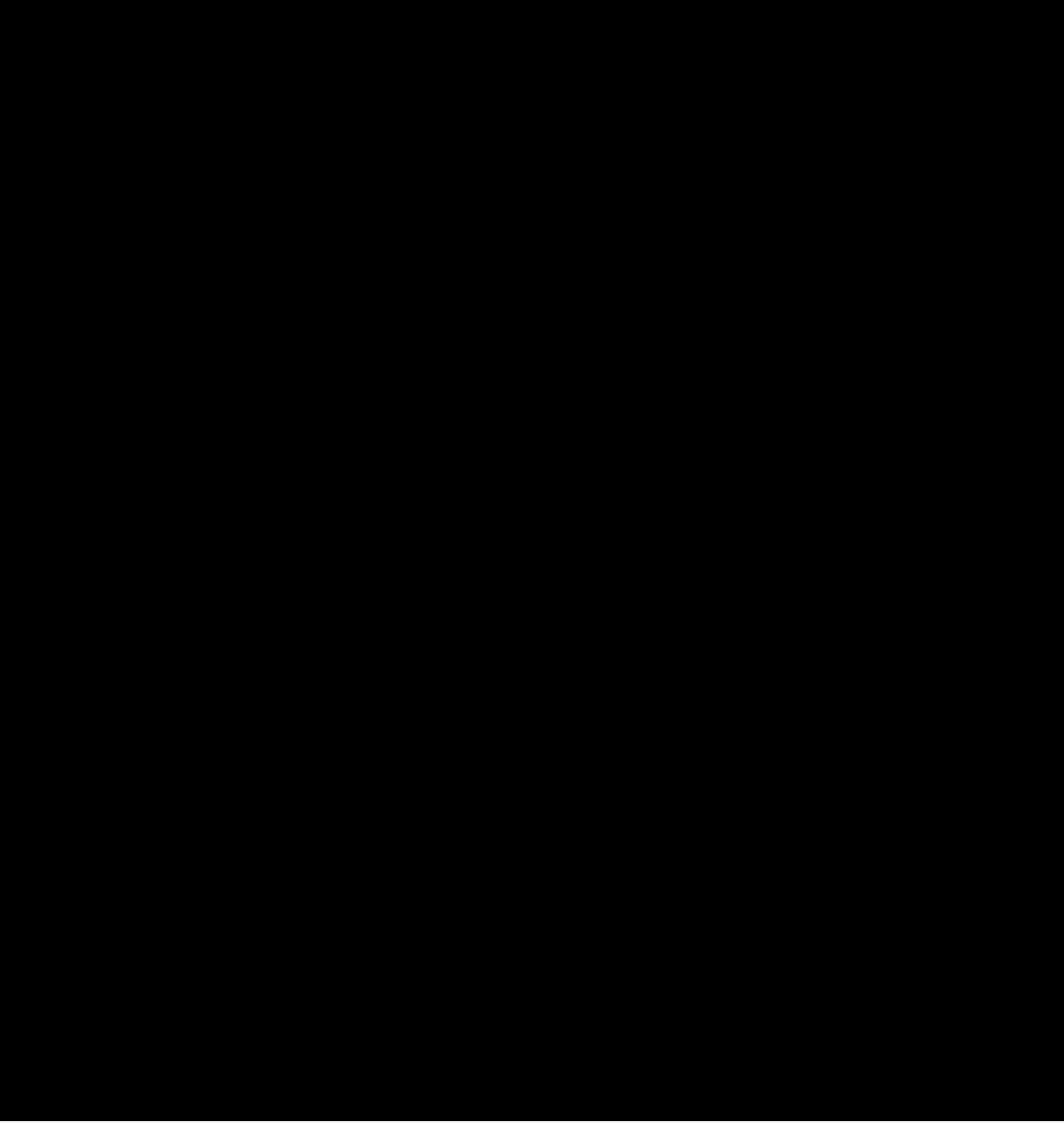
The situation with many of these water systems is that they experience nitrate MCL violations in one quarter, or two non-consecutive quarters in a year, and have nitrate results below the MCL level the remainder of the year. Systems may then experience the same conditions the next year. Of the files reviewed, two water systems (██████, Pretty Prairie) had installed new wells in the past due to nitrate MCL violations, but then experienced MCL exceedances from the new wells.

One water system ( ) has a history of nitrate MCL violations from 1995 to 2004. Based on sample analysis results provided by KDHE staff, the system had taken four samples during the first and second quarters of 2005 and those results were averaged to determine compliance for each quarter. According to the Code of Federal Regulations Title 40 Part 141 Subpart C (141.23 (i)(3)) compliance shall be determined based on the average of the initial and confirmation samples. In this situation, KDHE should base compliance on the average of the initial and confirmation samples rather than averaging all the samples in the quarter. Based on the information provided, the water system should have received MCL violations for both the first and second quarters of 2005. The EPA recommends KDHE review how compliance is calculated.

A system is returned to compliance after two consecutive quarters below the MCL. After four consecutive quarters below the MCL, monitoring can be reduced to annually.

Because KDHE requires all public water systems to chlorinate, and chlorine converts nitrite to nitrate, KDHE does not require systems to sample for nitrites. The Phase II/V monitoring and waiver plan was approved by EPA on June 26, 1995.

The EPA recommends that Kansas water systems develop and implement a wellhead protection program, if they have not already done so. A wellhead protection program may help deter elevated nitrate levels thus allowing water systems to remain in compliance with the nitrate MCL. A wellhead protection program may not be effective in returning a system to compliance after the nitrate MCL has been exceeded.



**F) Public Notification**

The file review indicated that notification of a violation was generally issued by KDHE within 30 days from when each violation occurred. Additionally, KDHE sends information regarding the public notice requirements and certification of delivery of public notice form. The KDHE uses SDWIS to track when public notification was performed, and when the certification of delivery form was received. The KDHE staff indicated that a public notification compliance report is generated from SDWIS once per month to determine if public notice certificates of delivery are missing or late in being received. However, it was not clear when the timeframe for tracking public notice was to begin. If the public notification was not performed within the required timeframe, or the certificate of delivery was not received within the required timeframe, a public notice violation should be assessed.

The review of files for Pretty Prairie, [REDACTED] indicates that public notification of acute nitrate violations may not be performed as required. Each of these water systems reported to conduct public notification by mail and by newspaper. The timeframe from the date of the notification of violation and the public notification ranged from three to nine days. Violation of the MCL for nitrate requires a Tier 1 public notification. This level of public notification requires that water systems provide public notice within 24 hours after the system learns of the violation and to use, at a minimum, one or more of the following forms of delivery: 1) Appropriate broadcast media; 2) Posting; 3) Hand delivery; or 4) Another method approved in writing by the primacy agency. Mailing is not an appropriate method of delivery for this type of public notice. The EPA recommends that the type and timeframe for public notice be monitored more closely to ensure that it complies with the applicable regulations, and a written protocol be put into place.

[REDACTED]

[REDACTED]



## Appendix 1

### PWSS Program File Review Detail

This review of files consisted of 11 CWS, 3 NTNCWS and 2 TNCWS. Below are the details.

#### Community water systems (CWS)

Anderson Co. RWD 1 C. ID = KS2000311. Population = 1,950 people. Source = SWP. Anderson Co RWD #6 and RWD # 2 have consolidated with Anderson Co. RWD 1 C as of May 24, 2004.

**Lead and Copper:** The system is on triennial monitoring. Last sample collection in file 2003 with no exceeded AL. The system is scheduled to monitor in 2007.

**CCR:** 2006 CCR in file and ok.

**Sanitary survey:** Last sanitary survey conducted on November 1, 2005. The sanitary survey shows a significant deficiency for not having an approved emergency water supply plan. It also shows a deficiency for not having adequate disinfectant residual. This last deficiency is considered significant in the KDHE Sanitary Survey Site Observation as a significant deficiency but the report listed it as a recommendation. In addition, no follow-up action was found in file. A response was required from the system by December 22, 2005.

Wallace Co RWD 1. ID = KS2019901. Population = 200 people. Source = GW

**Lead and Copper:** The system is on triennial monitoring. Last sample collection in file 2006 with no exceeded AL.

**CCR:** 2006 CCR in file and ok.

**Sanitary Survey:** Last sanitary survey conducted on July 6, 2004. The sanitary survey report did not categorize the severity of findings and did not provide a timeframe to the system to correct deficiencies. One of the significant deficiencies identified in the report was the lack of a monitoring plan for the TCR.

**TCR monitoring violations:** The system failed to monitor for coliform bacteria from March 2003 to January 2004. An administrative order with penalties was issued on January 22, 2004 for the monitoring violations with \$3,926 in penalties.

Axtell, City of. ID = KS2011711. Population = 433. Source = GW

**Lead and Copper:** The system is on triennial monitoring. Last sample collection in file 2005 with no exceeded AL.

**Sanitary Survey:** The last sanitary survey was conducted on May 15, 2006 with no deficiencies.

Spring Hill, City of. ID = KS2009120. Population = 4,494. Source = SWP

**CCR:** 2005 CCR in file.

**Lead and Copper:** The system is on triennial monitoring. Last sample collection in file 2005 with no exceeded AL.

**Sanitary Survey:** The last sanitary survey was conducted on January 18, 2006 with no deficiencies.

This system has some asbestos cement pipes as water transmission lines. The system conducted sampling for asbestos on April 19, 2004. Sample results ok. The system will continue sampling.

Barber Co RWD 3. ID = KS2000709. Population = 180. Source = GW

**CCR:** 2005 CCR in file.

**Sanitary Survey:** The last sanitary survey was conducted on December 12, 2006, with no identified deficiencies. However, the sanitary survey report made some recommendations that are listed as significant deficiencies in the KDHE Sanitary Survey Site Observation submitted in the primacy package.

This system had issues with the location of a salt water tank located 74 feet from one of the water wells. This issue was resolved in July 28, 2005.

South Hutchinson, City of. ID = KS2015504. Population = 2,481. Source = GW

**CCR:** 2005 CCR in file.

**Lead and Copper:** The system is on triennial monitoring. Last sample collection in file 2006 with no exceeded AL.

**Sanitary survey:** The last sanitary survey was conducted on January 9, 2007, with two significant deficiencies identified. The sanitary survey report was issued on February 7, 2007, and a response from the system was received on March 13, 2007. This sanitary survey report was very good and can be easily used as a model.

Barnard, City of. ID = KS2010503. Population = 119. Source = SWP

**CCR:** 2005 CCR in file.

**Lead and Copper:** The system incurred in monitoring violations in 2005 and 2006. The system is scheduled to sample in 2007.

**Sanitary Survey:** The last sanitary survey was conducted on June 27, 2005, with significant deficiencies identified. The report fails to require a response from the system. The report also failed to identify monitoring violations incurred by the system. The system incurred monitoring violations under the Total Coliform Rule in September 2004 and August 2004.

The system is also exceeding the disinfection byproducts MCLs. The KDHE has an administrative order pending for this system.

Ransom, City of. ID = KS2013501. Population = 292. Source = GW

**CCR:** 2005 CCR in file.

**Lead and Copper:** The system is on triennial monitoring. Last sample collection in file 2006 with no exceeded AL.

**Sanitary Survey:** The last sanitary survey was conducted on December 12, 2006, with no significant deficiencies identified.

Nitrate levels below the MCL.

Cherokee Co RWD # 2. ID = KS2002106. Population = 975. Source: GW

**CCR:** 2005 CCR in file.

**Lead and Copper:** The system is on triennial monitoring. Last sample collection in file 2003 with no exceeded AL. The system will monitor again in 2007. This is one year after its triennial scheduled.

**Sanitary Survey:** The last sanitary survey was conducted on July 26, 2006, with some recommendations. However the sanitary survey report made some recommendations that are listed as significant deficiencies in the KDHE Sanitary Survey Site Observation submitted in the primacy package.

Protection, City of. ID = KS2003302. Population = 541. Source: GW  
CCR = 2005 CCR in file.

**Lead and Copper:** This system in on a triennial schedule. The last sample collection in the file was in 2002 with no exceeded AL. The system is scheduled to monitor again for Lead and Copper in 2007. This is two year after its deadline.

**Sanitary survey:** The last sanitary survey was conducted on May 31, 2006, with significant deficiencies in their fluoridation practices. To correct the deficiencies the city stopped the fluoridation of the water as of August 10, 2006. There were a significant amount of monitoring reminder letters sent to the system and it seems the letter has been working very well.

Nitrate monitoring ok.

Clayton, City of. ID = KS2013706. Population = 64. Source = GW.

**CCR:** the 2005 CCR distributed on June 29, 2006 and certification of delivery received on July 5, 2006. A violation was issue for missing the deadline for the certification of delivery.

**Lead and Copper:** This system in on a triennial scheduled. The last sample collection in file 2006 with no exceeded AL.

**Sanitary survey:** The last sanitary survey was conducted on April 15, 2004. It is not clear in the sanitary survey report the severity of the deficiencies identifies. The report failed to establish a timeframe for corrections and one of the findings is listed as significant deficiency in the KDHE Sanitary Survey Site Observation submitted in the primacy package, but not in the report.

TCR MCL violation in August 2005; PN issued in file.

#### **Non transient non community water systems (NTNCWS)**

Doonan Specialized Trailer LLC. ID = KS2100906. Population = 37. Source = GW.

**Lead and copper:** The last sample collection in file 2004 with no exceeded AL.

**Sanitary survey:** The last sanitary survey was conducted on March 30, 2004, with no identified deficiencies.

Supreme Cattle Feeder Mobile Home Park. ID = KS2017506. Population = 45. Source = GW.

**Lead and copper:** The last sample collection in file 2005 with no exceeded AL.

**Sanitary survey:** The last sanitary survey was conducted on July 21, 2005. The sanitary survey report did not categorize the severity of findings as listed in the KDHE Sanitary Survey Site Observation submitted in the primacy package.

Nitrates level for the system below the MCL.

Empire District Electric Company. ID = KS2002103. Population = 60. Source = GW.

**Lead and copper:** The last sample collection in file 2003 with no exceeded AL.

**Sanitary survey:** The last sanitary survey was conducted on March 24, 2005, with no deficiencies.

This system was deactivated in February 2007. However the federal SDWIS still has the system as active.

#### **Transient non community water system (TNCWS)**

Walther Oil 15 36 Truck Stop. ID = KS2120103. Population = 25. Source = GW

**Sanitary survey:** The last sanitary survey was conducted on March 13, 2006, with no identified deficiencies.

Gunsmoke Travlpark. ID = KS2105724. Population = 25. Source = GW

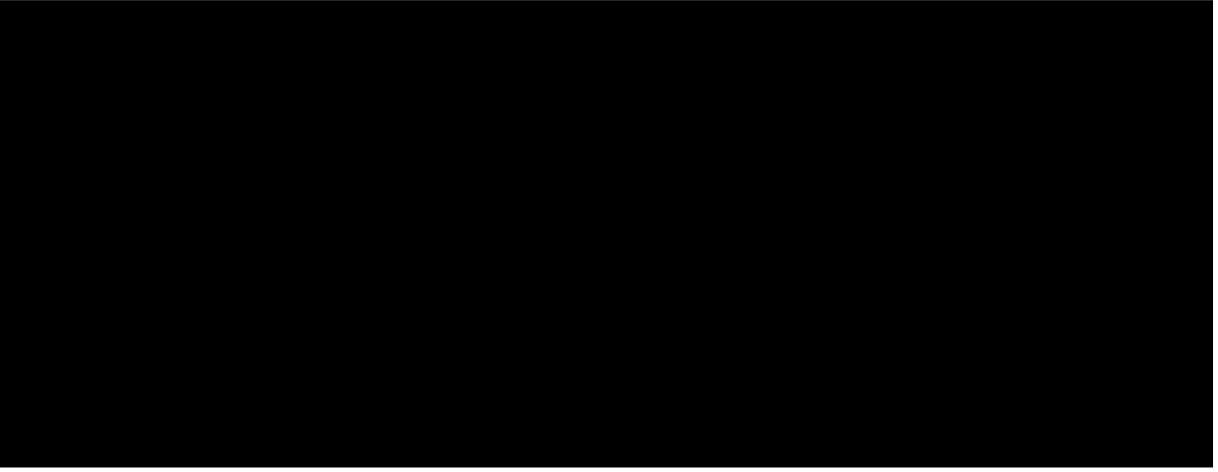
**Sanitary survey:** The last sanitary survey was conducted on June 15, 2004, with recommendations.

Nitrate levels below the MCL.









Pretty Prairie, KS2015501

The Pretty Prairie public water system serves a community of 600 people. The water system has historical nitrate violations from 1995 through 2006. Historically, the water system installed new wells in response to a 1994 Administrative Order issued by EPA. Once in operation, the new wells exceeded the nitrate MCL. The KDHE then issued a Nitrate Consent Order to the water system in October 1996. That Order expired in 2003. No other formal enforcement action has been taken to date. According to SDWIS data, the system was in violation of the nitrate MCL for three quarters in 2003, three quarters in 2004, two quarters in 2005, and two quarters in 2006. The last two quarters of 2006 the system incurred nitrate monitoring violations. Although the Order expired in 2003, KDHE continued to enter the 1996 Order in SDWIS as an enforcement action taken to address those violations occurring after the 2003 expiration.

Additionally, the water system took a quarterly nitrate sample in January 2006, but did not submit that sample result to KDHE until March 29, 2006. The result indicated an MCL exceedance. The KDHE notified the system of non-compliance in a letter dated March 30, 2006, and notified the system to issue public notification within 24 hours, and return the certificate of delivery by April 12, 2006. The public notice certificate of delivery dated April 14, 2006 and received at KDHE April 17, 2006, indicated notice was distributed by mail on April 5, 2006. The system incurred a public notice violation for the time period April 1 through April 5, 2006.

